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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,949	10/20/2000	Olivier K. Swedor	120-078	6427

34845   7590   05/04/2007

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EXAMINER
REILLY, SEAN M

ART UNIT	PAPER NUMBER
2153	

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		09/692,949	SWEDOR ET AL.
		Examiner	Art Unit	
		Sean Reilly	2153	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2007.* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43 and 45-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43, 45-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This Office action is in response to Applicant's amendment filed on February 20, 2007.

As indicated in the last office action all claims are allowable over the prior art of record.

Applicant's amendment's filed on February 20, 2007 have overcome the outstanding 101

rejection. However, these claims are not yet allowed in view of the double patenting rejection

set forth below.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine

grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or

improper timewise extension of the "right to exclude" granted by a patent and to prevent possible

harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to

overcome an actual or provisional rejection based on a nonstatutory double patenting ground

provided the conflicting application or patent is shown to be commonly owned with this

application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal

disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37

CFR 3.73(b).

1.   Claims 1-43 and 45-50 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-44 of copending

Application No. 09/726,758. Although the conflicting claims are not identical, they are not

patentably distinct from each other. Refer to the tables below for analogous claim language

mappings

2.   This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Co-pending Application # 09/726,758	Instant Application # 09/692,949
1. A method for causing a network device to locally perform a service, comprising the steps of:	1. A method for controlling a data forwarding service in a network device comprising a data forwarding device, comprising the steps of:
Receiving at the network device a service request, wherein the service request includes code needed to processes the service request the code including a document written in accordance with a markup language and a corresponding document definition; wherein the step of parsing includes the step of parsing from the document an object class corresponding to the service, wherein the object class implements a standard	Receiving at the network device a document definition written in accordance with a markup language and a corresponding document definition, where the document describes the data forwarding service by specifying a class of objects for the data forwarding service;

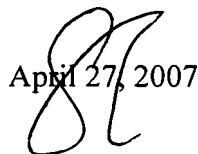|	
interface method defined by a command design parameter;	
Parsing by the network device the received document in accordance with the corresponding document definition, wherein the step of parsing includes the step of parsing from the document an object class corresponding to the service,	Parsing by the network device the received document in accordance with the corresponding document definition, wherein the parsing determines at least one parameter describing the data forwarding service;
Executing the service on the network device in response to the receiving of the service request and in accordance with the parsed document by invoking the standard interface method defined by the command design parameter and wherein the standard interface method is implemented by each of a plurality of different types of services available on the network device, and wherein the services available on the network device include at least one service for configuring a packet forwarding architecture to filter network traffic containing packets generated from a predetermined activity.	Executing the data forwarding service on the network device upon completion of the parsing, in accordance with the parsed document, wherein the executing includes instantiating and launching the data forwarding service in the data forwarding device based on the class of objects for the data forwarding service, and wherein the data forwarding service configures a forwarding architecture in the network device operable to filter network traffic

Allowable Subject Matter

Claims 1-43 and 45-50 are allowable in view of Applicant's arguments submitted in the

appeal brief filed October 5, 2006, pages 10-14.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The

examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 27, 2007

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100